IN THE HIGH COURT OF UTTARAKHAND AT NAINIATL.

Writ Petition No. 965(S/S)2007

1. Chandra Mohan Singh S/o Sri Yashwant Singh,
   R/o village Murliwala, Post Jaspur, U.S. Nagar,
2. Smt. Mamta Joshi W/o Sri Gurvinder Singh,
   R/o village Devipura, Post Mahuadavra, U.S. Nagar,
3. Km. Sunita Devi D/o Kallu Singh,
   R/o village Devipura, Post Mahuadavra, U.S. Nagar,
4. Juned Alam S/o Sri Gaffar Ahmed,
   R/o Nagar Panchayat, Mahuadavra, Post Khas, U.S. Nagar,
5. Abrar Hussain S/o Sri Intzar Hussain,
   R/o Nagar Panchayat, Mahuadavra, Post Khas, U.S. Nagar,
6. Manoj Kumar S/o Sri Balbir Singh,
   R/o Ward no. 6, Gularbhoj Road Gadarpur, U.S. Nagar,
7. Arjun Singh S/o Sri Rajpal Singh,
   R/o Mohalla Chauhanan, Jaspur, U.S. Nagar,
8. Murad Sah S/o Sri Babu Lal Sah,
   R/o village & Post Raipur, Jaspur U. S. Nagar,
9. Sanjay Kumar S/o Sri Ramesh Singh,
   R/o village & Post Raipur, Udham Singh Nagar,

------ Petitioners.

Vs.

1. State of Uttarakhand through Secretary Education,
   Govt. of Uttarakhand, Dehradun,
2. Director of Education, Uttarakhand, Dehradun,
3. Addl. Director of Education, State Education & Research and Training Council, Uttarakhand, Narendra Nagar, District Tehri Garhwal.
4. Principal, District Education & Training Institute,
   Rudrapur, district U.S. Nagar. -------Respondents.

Sri Rajendra Dobhal, learned counsel for the petitioners.
Sri Paresh Tripathi, learned Brief Holder for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rajendra Dobhal, learned counsel for the petitioners and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand/respondents.

The petitioners, by means of this writ petition, have prayed for the following reliefs:-

i. Issue a Writ, order or direction in the nature of certiorari quashing the clause II sub clause III of the advertisement dated 09.07.2006 published on 10.07.2006 in daily newspaper “Amar Ujala”,

ii Issue a writ order or direction in the nature of mandamus commanding the respondents to consider the names of petitioners for admission in ‘Vishishth B.T.C.’ course 2006-07 in District Education and Training Institute, Rudrapur, District Udham Singh Nagar as per their merit,

iii Pass any other writ, order or direction which this Hon’ble Court may deem fit and proper in the present circumstances of the case,

iv. Award cost of writ petition to the petitioners.

Stand of the petitioners is that they have passed their B.Ed. Course from Chaudhary Charan Sing University, Meerut in the academic session of 2004-2005. Since litigation was going on there, thus only provisional marks-sheet was provided to the petitioners instead of original marks-sheets. In pursuance of the advertisement dated 10.07.2006 for selection in Special B.T.C. course, the petitioners applied for the same and submitted their original marks-sheets alongwith their applications which was filed well within time. However, they come to know that their candidature is not being considered on the ground that the marks-sheets issued to the petitioners were of the subsequent date to the publication of the advertisement and as per the conditions of the advertisement, the candidates must have in their possession the marks-sheets on the date of advertisement.

Apprehension of the petitioners is that since the marks-sheets were obtained by the petitioners subsequent to the date of advertisement, their candidature may not be considered for the said course.

During the course of arguments, learned counsel for the petitioners has submitted that the petitioners have already moved their combined representation before the Principal, District Education & Training Institute, Rudrapur, district Udham Singh Nagar which is still pending and no action is being paid by the respondents towards it. Learned counsel for the petitioners has submitted that the respondent no. 4 may be directed to take decision on the representation of the petitioners dated 23.07.2007 pending before him.

The prayer is innocuous.

Consequently, I direct the respondent no. 4 i.e. the Principal, District Education & Training Institute, Rudrapur, district Udham Singh Nagar to take decision on the combined representation of the petitioners dated 23.07.2007 within a period of two days from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

Let a certified copy of this order be provided to the learned counsel for the petitioner, by tomorrow, on payment of usual charges.

(M.M. Ghildiyal, J.)

July 26, 2007:
NCM: